

# **CITY'S REPLY**

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**DANIEL VILLEGAS,**

**§**

**§**

**v.**

**§**

**§**

**CITY OF EL PASO, et al.**

**§**

**Cause No. EP-15-cv-00386-DCG**

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**DEFENDANT THE CITY OF EL PASO'S FIRST REQUESTS FOR PRODUCTION TO  
PLAINTIFF DANIEL VILLEGAS**

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TO: DANIEL VILLEGAS, Plaintiff, by and through his attorneys of record, Sam Heppell and Jon Loevy, LOEVY & LOEVY, 311 N. Aberdeen Street, Third Floor, Chicago Illinois 60607 AND Felix Valenzuela, VALENZUELA LAW FIRM, 221 N. Kansas Street, Ste. 1220, El Paso, Texas 79901

Pursuant to Rule 34, Federal Rule of Civil Procedure, DEFENDANT CITY OF EL PASO, TEXAS serves these First Requests for Production on Plaintiff DANIEL VILLEGAS. Plaintiff must produce all requested documents for inspection and copying either as they are kept in the ordinary course of business or segregated according to each request. The documents must be produced within 30 days of service of this request at Denton Navarro Rocha Bernal & Zech, P.C., 2517 North Main Avenue, San Antonio, Texas 78212.

Respectfully submitted,

DENTON NAVARRO ROCHA BERNAL & ZECH  
A Professional Corporation  
2517 N. Main Avenue  
San Antonio, Texas 78212  
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By: /s/ Lowell F. Denton  
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*Counsel for Defendant  
The City of El Paso, Texas*

### **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served upon the below named individual(s) as indicated, and according to the Federal Rules of Civil Procedure on the 28th day of January 2022.

Sam Heppell  
Jon Loevy  
Russell Ainsworth  
Quin Rallins  
LOEVY & LOEVY  
311 N. Aberdeen Street, Third Floor  
Chicago, IL 60607

**VIA EMAIL**

Eric M. Brittan  
WINDLE, HOOD, NORTON, BRITTAINE  
& JAY, LLP  
Chase Tower, Suite 1350  
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Carl Green  
Andres E. Almanzan  
MOUNCE, GREEN, MYERS, SAFI,  
PAXSON & GALATZAN  
P.O. Box Drawer 1977  
El Paso, Texas 79999-1977

**VIA EMAIL**

**VIA EMAIL**

**VIA EMAIL**

**VIA EMAIL**

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*/s/ Lowell F. Denton*  
LOWELL F. DENTON

## INSTRUCTIONS

In responding to the following Requests for Production, you should furnish all information and items within your possession, custody or control, including information in the possession, custody or control of your employees, agents, attorney, or his investigators, and all persons acting on your behalf and not merely such information within your personal knowledge.

## DEFINITIONS

The following definitions are provided in order to help you fully and accurately understand the objective behind this effort to discover information relevant to this suit and to assist in the effort to locate and furnish relevant documents and information:

- A. Document. The term "document" shall encompass the meaning of documents, electronically stored information or tangible things within the scope of Fed. R. Civ. P. 34. This shall include, but not limited to, all writings of every kind, source and authorship, both originals and non-identical copies, in your possession, custody, or control, or known by you to exist, irrespective whether the writing is one intended for or transmitted internally by you, or intended for or transmitted to any other person or entity, including without limitation any government, agency, department, administrative, or private entity or person. The terms shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications and words, symbols, pictures, sound recordings, films, tapes and information stored in, or accessible through, computer (personal or business) or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems.

If any document requested to be identified was, but is no longer in your possession or control or is no longer in existence, state whether it is missing or lost, destroyed, transferred voluntarily or involuntarily to others, and if so, to whom, or otherwise disposed of; and in each instance, explain the circumstances surrounding an authorization of such disposition thereof, and state the approximate date thereof and describe the contents of the document.

- B. A request for any document includes previous drafts, annotated copies, or superseded versions, together with any associated file memoranda, notes, cover correspondence, or "sticky notes" associated with the document. It also includes notes or other records on the file, box, or container. To the extent that the documents identified specifically and particularly in those requests are kept together with other non-responsive documents in the usual course of business, you are requested to identify the responsive documents sufficiently for this party to reasonably use them, or to segregate responsive documents. See *Board of Education v. Admiral Heating & Ventilation, Inc.*, 104 F.R.D. 23, 36 (N.D.Ill.1984), citing, *Advisory Committee Note*, FED.R.CIV.P. 34 (West 1980).

- C. Statement. "Statement" shall mean any comment, opinion, factual information or other communication by a party, an agent of a party, or a witness, whether written, oral or recorded.
- D. Person. The term "person" is defined as any natural person or business, legal or governmental entity or association.
- E. Concerning. The term "concerning" means relating to, referring to, describing, evidencing or constituting.
- F. Communication. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).
- G. All/Each. The terms "all" and "each" should be construed as "and," "each," and "and/or."
- H. Any. The term "any" should be understood in either its most or its least inclusive sense as necessary to bring within scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
- I. And/Or. The connectives "and" and "or" should be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
- J. Number. The use of the singular form of any word includes the plural and vice versa.
- K. Electronically Stored Information. Shall mean all information stored electronically, magnetically or optically as digital communications, word processed documents, spreadsheets, accounting application data, image and facsimile files, sound recordings, video, calendar/diary data, online access data, network access or server activity logs, backup and archived files.
- L. Defendant. "Defendant" and/or "Defendant City" means the City of El Paso, Texas.
- M. You/your. "You" "you" and "your" shall mean the party to whom these questions are directed as well as agents, employees, attorneys, investigators and all other "persons" acting for said party.
- N. Parties. The term "plaintiffs" and "defendants" as well as a party's full or abbreviated name or pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
- O. City. "City" refers to Defendant City of El Paso, Texas.

**DEFENDANT CITY OF EL PASO'S FIRST SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF DANIEL VILLEGRAS**

**REQUEST NO. 1:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings that you have in your possession relating to the investigation done by John Mimbela.

**RESPONSE:**

**REQUEST NO. 2:** Please produce any and all documents, transcripts, photos, video recordings, and audio recordings that John Mimbela provided to you or your attorneys, directly or indirectly.

**RESPONSE:**

**REQUEST NO. 3:** Please produce any and all documents, transcripts, photos, video recordings, and audio recordings that Plaintiff has in his possession.

**RESPONSE:**

**REQUEST NO. 4:** Please produce any and all documents, transcripts, photos, video recordings, and audio recordings that any of Plaintiff's family members provided to Plaintiff or his attorneys directly.

**RESPONSE:**

**REQUEST NO. 5:** Please produce any and all documents, transcripts, photos, video recordings and audio recordings that Jesse Rodriguez provided to you or your attorneys.

**RESPONSE:**

**REQUEST NO. 6:** For 2009 to present, please produce any and all documents that reflect costs, payments, expenses or other expenditures paid to, for, or otherwise involving any witnesses or persons with information relating to your allegations. This includes all costs and payments by John Mimbela, and persons or business entities controlled or owned by him.

**RESPONSE:**

**REQUEST NO. 7:** Please produce any and all documents, transcripts, photos, video recordings, and audio recordings provided by or from the file of Jaime Olivas that you have in your possession or provided to your attorneys.

**RESPONSE:**

**REQUEST NO. 8:** Please produce any and all documents, transcripts, photos, video recordings, and audio recordings provided by or from the file of John Gates that you have in your possession or provided to your attorneys.

**RESPONSE:**

**REQUEST NO. 9:** Please produce any and all documents, transcripts, photos, video recordings, and audio recordings provided by or from the file of Joe Spencer that you have in your possession or provided to your attorneys.

**RESPONSE:**

**REQUEST NO. 10:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim that El Paso Police Department had a widespread practice of using coercive interrogation tactics, fabrication of evidence, withholding exculpatory information, and other illegal tactics as stated in Paragraph 169 of Plaintiffs' Third Amended Complaint [Docket No. 153], filed on October 19, 2019.

**RESPONSE:**

**REQUEST NO. 11:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim that the Chief of Police (in office at the time of the alleged misconduct) knew or had actual information concerning the alleged widespread practice of using coercive interrogation tactics, fabrication of evidence, withholding exculpatory information, and other illegal tactics as stated in Paragraph 169 of Plaintiffs' Third Amended Complaint [Docket No. 153], filed on October 19, 2019.

**RESPONSE:**

**REQUEST NO. 12:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim that any other policy makers (in office at the time of the alleged misconduct) knew or had actual information concerning the alleged widespread practice of using coercive interrogation tactics, fabrication of evidence, withholding exculpatory information, and other illegal tactics as stated in Paragraph 169 of Plaintiffs' Third Amended Complaint [Docket No. 153], filed on October 19, 2019.

**RESPONSE:**

**REQUEST NO. 13:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim that evidence was withheld, destroyed, or suppressed as stated in Paragraph 114 of Plaintiffs' Third Amended Complaint [Docket No. 153], filed on October 19, 2019.

**RESPONSE:**

**REQUEST NO. 14:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim that policymakers for the City did not take any meaningful steps to change policies and practices, implement new or better training, increase supervision or discipline the officer as stated in Paragraph 176 of Plaintiffs' Third Amended Complaint [Docket No. 153], filed on October 19, 2019.

**RESPONSE:**

**REQUEST NO. 15:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information concerning any El Paso Police Department written policy that resulted in a deprivation of your constitutional rights.

**RESPONSE:**

**REQUEST NO. 16:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim in Paragraph 171(b) in Plaintiff's Third Amended Complaint.

**RESPONSE:**

**REQUEST NO. 17:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim in Paragraph 172(a) in Plaintiff's Third Amended Complaint.

**RESPONSE:**

**REQUEST NO. 18:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim in Paragraph 172(b) in Plaintiff's Third Amended Complaint.

**RESPONSE:**

**REQUEST NO. 19:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim in Paragraph 172(c) in Plaintiff's Third Amended Complaint.

**RESPONSE:**

**REQUEST NO. 20:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim in Paragraph 172(k) in Plaintiff's Third Amended Complaint.

**RESPONSE:**

**REQUEST NO. 21:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim in Paragraph 172(l) in Plaintiff's Third Amended Complaint.

**RESPONSE:**

**REQUEST NO. 22:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim in Paragraph 172(m) in Plaintiff's Third Amended Complaint.

**RESPONSE:**

**REQUEST NO. 23:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim in Paragraph 173(a) in Plaintiff's Third Amended Complaint.

**RESPONSE:**

**REQUEST NO. 24:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim in Paragraph 173(d) in Plaintiff's Third Amended Complaint.

**RESPONSE:**

**REQUEST NO. 25:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claim in Paragraph 173(i) in Plaintiff's Third Amended Complaint.

**RESPONSE:**

**REQUEST NO. 26:** Please produce your fee agreement with your attorney, any attorney billing statements and attorney time records.

**RESPONSE:**

**REQUEST NO. 27:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information supporting your claims for damages requesting attorney's fees.

**RESPONSE:**

**REQUEST NO. 28:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information concerning supporting your claim for an award of damages, including punitive damages.

**RESPONSE:**

**REQUEST NO. 29:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information concerning any specific dollar amounts that you attribute to each and every alleged pecuniary losses, loss of companionship, mental anguish, physical injury and sickness, emotional pain you allege you have sustained as a result of the allegations contained in your Third Amended Complaint.

**RESPONSE:**

**REQUEST NO. 30:** Please produce any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information related to any past and future pecuniary losses, loss of companionship, mental anguish, physical injury and sickness, emotional pain and all other compensatory damages that you contend you suffered as a consequence of any one or more of the violations alleged in your Third Amended Complaint.

**RESPONSE:**

**REQUEST NO. 31:** Produce all records and/or bills for any services rendered by any medical or psychological health care provider having seen, examined, treated or provided services to Plaintiff for damages resulting from claims you allege in this lawsuit.

**RESPONSE:**

**REQUEST NO. 32:** Produce all documents, transcripts, photos, video recordings, audio recordings or any other source of information relating to any medicine prescribed to Plaintiff by any medical doctor related to the damages resulting from claims you allege in this lawsuit. Include in your response any labels, warnings, prescriptions, instructions, and any other documents provided with or attached to any such medicine.

**RESPONSE:**

**REQUEST NO. 33:** Produce all Payment Summary Form(s), not already provided to Defendant City, for medical bills for any services rendered by any health care provider having seen, examined, treated or provided services to you for damages resulting from claims you allege in this lawsuit as a result of the incident in question which were paid by Medicaid, TMHP and/or any of its collecting agencies, i.e. Healthcare Recoveries.

**RESPONSE:**

**REQUEST NO. 34:** Please produce any background information including any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information involving brother Rudy Flores and Javier Flores supporting your claims that they were involved in the Lazo/England shooting.

**RESPONSE:**

**REQUEST NO. 35:** Please produce any background information including any and all documents, transcripts, photos, video recordings, audio recordings or any other source of information that you have in your possession involving the two February 7, 1992 shooting incidents involving Priscilliano Villegas, Enrique Rodriguez, Marcos Gonzales, and Fernando Lujan